

City of Houston, Texas, Ordinance No. 2008-_____

AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO APPRAISALS FOR SALES OR LEASES OF CITY PROPERTY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That Subsections (c) and (d) of Section 2-240 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(c) In any sale, lease or disposal of real estate for which the fee value is estimated to be at least \$1,000,000, the City shall receive a minimum of two appraisal reports from qualified appraisers, appointed pursuant to Section 2-241, for the purpose of determining fair market value prior to completion of the transaction.

(d) In any sale, lease or disposal of real estate for which the fee value is estimated to be less than \$1,000,000, the City shall receive a minimum of one appraisal report from a qualified appraiser, who may be a City employee, for the purpose of determining fair market value prior to completion of the transaction.”

Section 2. That the caption of Section 2-241 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Appointment of appraisers.”

Section 3. That Subsections (a) and (b) of Section 2-241 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) The City Council directs that the appointment of appraisers shall be from a current list of qualified appraisers who have applied to receive appraisal assignments from the City. The City may debar appraisers for repeated performance violations including refusal of assignments,

**DRAFT NOT YET APPROVED
BY THE CITY ATTORNEY**

untimely delivery of appraisals, inadequate documentation, inadequately supported market values, etc.

(b) The city council hereby delegates to the director of public works and engineering and any authorized deputy or assistant director, and the director of general services and any authorized deputy or assistant director the authority to perform the functions contemplated in this section."

Section 4. That Subsection (d) of Section 2-241 of the Code of Ordinances, Houston, Texas, is hereby redesignated as Subsection (c).

Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2008.

Mayor of the City of Houston

Prepared by Legal Dept. _____

Sr. Assistant City Attorney

Requested by Michael S. Marcotte, P.E., DEE, and Issa Z. Dadoush, P.E.
RRJ; L.D. File No. _____